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 13 Boyd Gaming Corporation

14 UNITED STATES DISTRICT COURT
 15 DISTRICT OF NEVADA

16 BOYD GAMING CORPORATION, a
 17 Nevada corporation,

18 Plaintiff,

19 v.

20 KING ZULU, LLC, an entity of unknown
 21 origin doing business in Saint Kitts and
 22 Nevis,

23 Defendant.

Case No. 2:12-cv-00016-JCM-CWH

FILED UNDER SEAL (PER ORDER DATED
 JANUARY 20, 2012)

~~(PROPOSED)~~ ORDER GRANTING MOTION
 FOR PRELIMINARY INJUNCTION

24 UPON CONSIDERATION of the motion filed by Plaintiff Boyd Gaming Corporation
 25 ("Plaintiff") for a preliminary injunction, the supporting memorandum of points and authorities,
 26 the supporting documents and evidence, the record in this case, and for other good cause shown;

27 THE COURT HEREBY FINDS THAT:

28 1. Personal jurisdiction over Defendant King Zulu, LLC ("Defendant") is proper
 because: Defendant has aimed its tortious conduct at Boyd and its predecessors in interest in the
 forum state by registering Plaintiff's trademark IP CASINO ("IP CASINO Mark," as defined in
 Plaintiff's Motion For Preliminary Injunction) as its domain name for the purpose of trading on
 the substantial goodwill in the IP Casino Mark, with knowledge that Plaintiff's principal place of

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business is in Nevada, the heart of the gaming industry; Plaintiff's claim for cybersquatting arises out of Defendant's forum-related activities, and the exercise of jurisdiction over Defendant is reasonable.

2. Plaintiff will suffer irreparable injury to the goodwill associated with its IP CASINO Marks if Defendant is not enjoined from transferring the <ipcasino.com> domain name (the "Infringing Domain Name"), which contains the IP CASINO Mark, and whose associated website allows users to gamble online, to other domain name registrars, persons or entities;

3. Plaintiff will suffer irreparable injury to the valuable IP CASINO Mark and its associated goodwill if Defendant is not enjoined from owning or using domain names containing the IP CASINO Mark, and is otherwise enjoined from using the IP CASINO Mark in commerce.

4. Plaintiff is likely to succeed on the merits of its claims for cybersquatting;

5. The balance of hardships tips in favor of Plaintiff because issuance of the injunction would merely prevent Defendant from continuing to infringe upon Plaintiff's IP CASINO Mark. Conversely, without such relief, Plaintiff would continue to suffer loss to the goodwill associated with the IP CASINO Mark;

6. Issuance of the preliminary injunction would be in the public interest because it would protect consumers against deception and confusion arising from Defendant's use of Plaintiff's IP CASINO Mark;

THEREFORE, IT IS HEREBY ORDERED THAT, pending a full trial on the merits:

A. Registration of the Infringing Domain Name shall be immediately transferred to Plaintiff. The domain name registrar, GoDaddy, shall effectuate the transfer.

B. GoDaddy shall ensure that the Infringing Domain Name remains on hold and lock.

C. GoDaddy shall not cancel or transfer the Infringing Domain Name during the injunctive period.

D. In the event that GoDaddy fails or refuses to comply with this Preliminary Injunction within one day of its issuance, the top-level domain (TLD) Registry for the Infringing Domain Name, Verisign, shall be authorized to maintain the Infringing Domain Name on Registry Hold status, thus removing it from the TLD zone files maintained by the Registry which

link the Infringing Domain Name to the IP address where the associated website is hosted, pending the outcome of this litigation.

E. Defendant and its officers, agents, servants, employees and/or all persons acting in concert or participation with Defendant are hereby enjoined from:

1. using the IP CASINO Mark or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, phrases or designs, in commerce or in connection with any business or for any purpose whatsoever (including, but not limited to, on websites, in domain names, in hidden text and metatags); and
2. registering or trafficking in any domain names containing the IP CASINO Mark or confusingly similar variations thereof, alone or in combination with any other letters, words, phrases or designs; and

F. Plaintiff shall not be required to post an additional bond because the evidence indicates that Defendant will only suffer, if at all, minimal damage by the issuance of this preliminary injunction, hence, the present bond of \$100.00 shall remain in effect.

G. Plaintiff may, in addition to the requirements of service identified in Federal Rules of Civil Procedure 4 and 5, serve this Order on Defendant by e-mail transmission.

ENTERED this 3rd day of February 2012.


UNITED STATES DISTRICT JUDGE